

PLAN AMENDMENT REPORT

Meeting Date: November 21, 2011

Reference Name	Cardinal Oaks (A1000010)		Jurisdiction	City
Applicant	L Star Management			
Request Change in Comprehensive Plan Designation	From:	Institutional		
	To:	Low Density Residential (4 DU/Ac. or Less)		
Site Characteristics	Tier:	Suburban		
	Present Use:	Vacant		
	Present Zoning:	Rural Residential (RR)		
	Overlays:	Falls Lake Protected Area (F/J-B)		
	Size:	46.87 acres		
Location	South side of Cheek Road, west of Fletchers Chapel Road			
PIN(s)	0852-02-45-4380			
Recommendations	Staff	Approval, based on the request meeting the four criteria for plan amendments.		
	Planning Commission	Denial, September 13, 2011, 8-3, based on information provided in the staff report, the justification, and meeting the four criteria for plan amendments.		

A. Summary

The proposed plan amendment would change the Future Land Use Map designation from Institutional to Low Density Residential (4 DU/Ac. or Less) for a 46.87 acre parcel located south of Cheek Road, near the intersection of Carpenter Road, and west of Fletchers Chapel Road. There is an associated zoning map change requested (Z1000014) for this parcel to PDR 3.780.

B. Site History

The site was designated on the Future Land Use Map of the Northeast Durham Plan (2001) as Institutional/Public Land. Prior to March 2006 the subject parcel was part of a cemetery, the Oak Grove Memorial Gardens, and therefore

designated as Institutional. In March of 2006, the vacant and unused portion of the cemetery site was subdivided from the original parcel.

C. Applicant's Plan Amendment Justification

Statement provided by L Star Management:

This parcel was originally part of the cemetery tract, but was divided from the parent tract in March, 2006. The current land use designation of institutional is not consistent with the proposed use of the property. The proposed land use designation of Low Density Residential is consistent with the surrounding development areas. The subject property is located south of existing homes which face Cheek Road near the intersection with Carpenter Road, north of the Cardinal Lake Subdivision, and southwest of the existing Oak Grove Memorial Gardens. The proposed development of Cardinal Oaks will be consistent with the development density and lot sizes within the Cardinal Lake Subdivision.

Staff Analysis and Conclusion: The applicant is requesting a Future Land Use Map change for 46.87 acres from Institutional to Low Density Residential (4 DU/Ac. or Less) with the stated intention of building a subdivision similar in design and intensity to the adjacent Cardinal Lakes subdivision. The applicant contends that while an Institutional future land use designation was appropriate when the property was expected to be a cemetery, circumstances have changed which warrant further examination of this property to be used for residential development.

D. Criteria for Plan Amendments

The Unified Development Ordinance (UDO) contains criteria for the Planning Commission to use in considering proposals to amend the *Durham Comprehensive Plan*. (See Section 3.4.7, Criteria for Planning Commission Recommendations).

- A. Whether the proposed change would be consistent with the intent, goals, objectives, policies, guiding principles and program of any adopted plans;
- B. Whether the proposed change would be compatible with the existing land use pattern and designated future land uses;
- C. Whether the proposed change would create substantial adverse impact in the adjacent area or in the City or County in general; and
- D. Whether the subject parcel is of adequate shape and size to accommodate the proposed change.

The proposed plan amendment has been evaluated against these criteria.

1. Plan Consistency

Durham Comprehensive Plan Land Use Policy 2.2.2b., Demand for Residential Land, indicates that in evaluating plan amendments, the Governing Boards and the City-County Planning Department shall consider the demand for residential land and the capacity of transportation, water systems, sewer systems, and other public facilities and services. Durham currently has ample land designated for residential uses on the Future Land Use Map to accommodate residential growth expected by 2035; however, the addition of 46.87 additional acres of residential would not significantly impact the City's ability to provide public services.

The major roads impacted by the proposed change in future land use designation are Cheek Road to the north and Fletchers Chapel Road to the east. Cheek Road is currently a two lane road designed to accommodate 11,700 average daily trips (ADT); however, according to the most recent traffic volume count (2009) there are only 4,800 annual average daily trips (AADT). Fletchers Chapel Road is also designed to accommodate 11,700 ADT; however, the most recent traffic volume counts (2009) reported 6,200 AADT.

Traffic Impacts			
	Cheek Rd.	Fletchers Chapel Rd.	
Current Roadway Capacity (ADT)	11,700	11,700	
Average Annual Daily Trips (AADT)	4,800	6,200	
Plan Amendment	Intensity	Units	Trips
Institutional ¹	0.19 FAR	387,914 SF	3,789/day
Low Density Residential ²	4 DU/Ac.	187 single family units	1,849/day
Impact of Proposed Plan Amendment			-1,940/day
Notes:			
¹ Maximum traffic impact of the adopted Future Land Use (Institutional)			
² Maximum traffic impact of the proposed Future Land Use (4 DU/Ac. or Less)			

Traffic generation studies performed show the potential traffic impact of developing this site to maximum limits for both the current and proposed future land use designations. If the site developed under the current Institutional future land use designation, it could generate the potential for as many as 3,789 trips per day. The proposed Low Density Residential use could develop at up to 4 Dwelling Units/Acre and generate up to 1,849 trips per day, substantially less than what could develop under current policy. There is

sufficient roadway capacity on Cheek Road to accommodate the proposed development. NCDOT does not have scheduled road improvements in the area. A more detailed assessment of transportation impacts is included in the zoning map change staff report.

Development allowed under the proposed plan amendment change is estimated to generate a maximum demand for water of 28,985 gallons per day (GPD). This represents a decrease of water demanded by approximately 109 GPD from what development with the present Institutional land use designation would allow. Durham has sufficient capacity in water, sewer systems and other public facilities to accommodate the change of designation.

Water Supply Impacts	
Current Water Supply Capacity	37.00 MGD
Present Usage	26.88 MGD
Committed to Date (July 2008 – June 2011)	0.68 MGD
Available Capacity	9.44 MGD
Maximum Water Demand Under Present Land Use*	29,094 Gallons per day
Maximum Water Demand Under Proposed Land Use**	28,985 Gallons per day
Impact of Proposed Plan Amendment	- 109 Gallons per day
Notes: MGD = Million gallons per day *Assumption: Existing Land Use of Designation of Institutional, consisting of 387,914 square feet of institutional/office space. **Assumption: Proposed Land Use Designation of Low Density Residential (4 DU/Ac. or Less), consisting of 187 single-family residential units.	

Durham Comprehensive Plan Land Use Policy 2.3.2c., Suburban Tier Residential Density, indicates that residential development in the Suburban Tier should achieve a range of densities, including Low Density Residential defined as 4 Dwelling Units/Acre or Less. The proposed land use meets the intent of this policy.

Staff Conclusion: The request is consistent with the intent, goals, objectives, policies, guiding principles and programs of adopted plans and, therefore, meets criterion 3.4.7.A.

2. Compatibility

The site is located south of Cheek Road and west of Fletchers Chapel Road in eastern Durham County. The site is within the Urban Growth Area boundary and was recently annexed into the City of Durham. The area surrounding the site is largely comprised of very low density rural residential development;

however, in recent decades pockets of suburban style residential subdivisions have been developed.

Area Land Uses and Designations		
	Existing Uses	Land Use Designations
North	Single-family residential, Forestry	Very Low Density Residential
East	Cemetery, service station, single-family residential	Institutional, Very Low Density Residential, Commercial
South	Single and two family residential	Very Low Density Residential, Recreation and Open Space
West	Single-family residential	Very Low Density Residential

Existing Uses: The site of the proposed plan amendment is bordered to the north by single-family residential and undeveloped land; to the west by single-family homes; to the south by the Cardinal Lakes subdivision built of single-family and two-family homes; and to the east by the Oak Grove Memorial Gardens cemetery, a service station, and single-family residential units.

Future Land Use Designations: According to the adopted Future Land Use Map, with the exception of Oak Grove Memorial Gardens and a small commercial service center at the intersection of Fletchers Chapel Road and Cheek Road, the area surrounding the site is expected to remain Very Low Density Residential, built at a density of 2 DU/Acre or Less. While the Cardinal Lakes subdivision to the south is designated as Very Low Density Residential, it was approved in 1999 at an intensity more closely resembling Low Density Residential (4 DU/Ac. or Less). There are pockets of development with similar densities in the area which are not reflected in the Future Land Use Map.

The proposed Low Density Residential land use designation is a reasonable request, given the existing Cardinal Lake subdivision, developed at a similar density (2.98 DU/Ac.), immediately south. The potential for a new Institutional use at this site is unlikely and undesirable given the impacts an institutional use could generate, and residential development best fits the existing character and the envisioned development pattern of this area.

Staff Conclusion: The proposed plan amendment is compatible with the existing land use pattern and designated future land uses in the area and, therefore, meets criterion 3.4.7.B.

3. Adverse Impacts

The site is currently vacant of development, and appears to be largely covered by a stand of young pine trees. There are no steep slopes. Tributary streams for Chunky Pipe Creek and an isolated wetland do exist on site. It is within the Falls Lake Watershed Protection Protected Area (F/J-B), where impervious surface must be capped at a maximum of 70% of the site area when stormwater controls are provided. There is no reason to believe that any of the environmental features of this area would preclude the site from being developed consistent with Unified Development Ordinance standards.

Staff Conclusion: The proposed plan amendment would not create substantial adverse impact in the adjacent area or in the City or County in general and, therefore, meets criterion 3.4.7.C.

4. Adequate Shape and Size

The total land area proposed for future land use redesignation is 46.87 acres. The site is of adequate size and appropriate shape to support low density residential development consistent with ordinance requirements.

Staff Conclusion: The site is of adequate shape and size to accommodate the use pursuant to the proposed change and, therefore, meets criterion 3.4.7.D.

E. Notification

Staff certifies that notification, including newspaper advertisements and letters to property owners within 1,000 feet of the site, has been carried out in accordance with Paragraph 3.2.5 of the UDO. The following neighborhood organizations were mailed notices:

- Inter-Neighborhood Council
- Partners Against Crime - District 1
- Gorman and Panther Creek Neighbors
- Fayetteville Street Planning Group
- Partners Against Crime - District 1
- Partners Against Crime - District 1
- Northeast Neighborhood Assoc. (NENA)
- Ellerbe Creek Watershed Association
- Friends of Durham
- Unity in the Community for Progress

F. Recommendations

Staff recommends approval, based on the request being justified and meeting the four criteria for plan amendments.

Planning Commission recommended denial at its September 13, 2011 meeting, 8-3, based on information provided in the staff report, the justification, and meeting the four criteria for plan amendments. The Commission was concerned about problems of traffic congestion and inadequate transportation infrastructure, excessive impact on school facilities, and opposition from the community.

G. Staff Contact

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H. Attachments

Attachment 1, Future Land Use Context Map

Attachment 2, Aerial Photograph

Attachment 3, Applicant's Justification Statement

Attachment 4, Planning Commission Written Comments

Attachment 5, Resolution